

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2014-001372-002 DT

02/20/2015

HONORABLE JOSE S. PADILLA

CLERK OF THE COURT  
A. Schmidt  
Deputy

STATE OF ARIZONA

JEREMY MILLER

v.

LINDSAY MCKINNEY (002)  
DOB: 5/10/1982

KYLE KINKEAD

APO-SENTENCINGS-CCC  
APPEALS-CCC  
DISPOSITION CLERK-CSC  
EDM-QC-CCC  
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:00 a.m.

State's Attorney:	Jennifer Hanson for Jeremy Miller
Defendant's Attorney:	Kyle Kinkead
Defendant:	Present
Court Reporter:	Hilda Lopez

IT IS ORDERED amending the Plea Agreement filed 1/15/2015, page 1, to indicate the date of offense is 1/20/2014 instead of and in place of 10/8/2012.

The original Plea Agreement not being the Court's possession,

IT IS ORDERED directing the Clerk's Office, EDM-QC-CCC, to make the above-referenced amendment.

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Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Theft of a Means of Transportation

Class 3 Felony

A.R.S. § 13-1801, 13-1814, 28-3304, 13-701, 13-702, 13-801

Date of Offense: 1/20/2014

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: 4 years

To begin 2/20/2015.

IT IS ORDERED that probation in Count 1 shall run concurrent with probation in CR2014-105648-002.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning 4/1/2015.

PROBATION ASSESSMENT: Count 1 - \$20.00 payable on 4/1/2015.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 4/1/2015.

All amounts payable through the Clerk of the Superior Court.

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The Court retains jurisdiction for any future restitution hearings.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 17 - Count 1: Complete a total of 200 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 18 - Count 1: Be incarcerated in the county jail for 30 day(s), beginning 2/20/2015 with credit for 30 day(s) served.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Mental Health

Condition 22: Other - The Defendant shall not have contact with Dylan Caswell without written permission from the supervising APO. Defendant shall not return to the scene of the crime.

IT IS ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

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IT IS ORDERED granting the Motion to Dismiss the following: Counts 2-4, allegation of prior felony convictions, and allegation of on release.

IT IS FURTHER ORDERED Defendant be released from custody for this case only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

The presentence investigation report is filed under CR2014-001372-002.

9:14 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JOSE S. PADILLA  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)